

SERVICE DATE - AUGUST 29, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 32000 (Sub-No. 12)

RIO GRANDE INDUSTRIES, INC., SPTC HOLDING, INC., AND THE DENVER AND RIO  
GRANDE WESTERN RAILROAD COMPANY  
— CONTROL —  
SOUTHERN PACIFIC TRANSPORTATION COMPANY  
(Arbitration Review)

Decided: August 28, 2000

The Board is holding up further action on an appeal of an arbitration panel's award filed by the Union Pacific Railroad Company (UP or the carrier)<sup>1</sup> at the carrier's request.

On May 10, 2000, UP filed an appeal of a ruling issued earlier this year in an arbitration arising out of the acquisition of control of the Southern Pacific Transportation Company by Rio Grande Industries, Inc., SPTC Holding, Inc., and the Denver and Rio Grande Western Railroad Company, approved in 1988 by the Board's predecessor agency, the Interstate Commerce Commission.<sup>2</sup> By motion filed on August 15, 2000, UP has asked the Board to delay action on its appeal to permit the carrier to present allegedly new or different information to the arbitration panel. UP maintains that the panel's consideration of this information could result in the panel's revising its decision. Under these circumstances, instead of processing an appeal of an award that might be changed, action will be suspended on UP's appeal, as the carrier requests, to permit it to pursue reopening of the arbitration.

It is ordered:

1. This proceeding will be held in abeyance pending notification to the Board by UP that a new arbitration ruling has been issued or that UP wishes the Board to proceed with consideration of the appeal it has previously filed.

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<sup>1</sup> In its appeal, the carrier refers to itself as the "Southern Pacific Transportation Company" (SP), because the events at issue occurred before SP and its affiliated rail carriers were absorbed by the Union Pacific Railroad Company. Because SP and its affiliated rail carriers no longer exist, this decision will refer to the carrier as "Union Pacific Railroad Company" or "UP."

<sup>2</sup> Rio Grande Industries, Et Al.—Control—SPT Co., Et Al., 4 I.C.C.2d 834 (1988).

2. The carrier will timely notify the Board of future developments concerning the arbitration.

3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary